

UNITED STATES DISTRICT COURT
DISTRICT of MASSACHUSETTS

CHARLES FOX
PLAINTIFF

V.

HARLEY LAPPIN, et al.,

Defendants

C.A. No. 05-40106-WGY

This is to inform the Court that the Plaintiff was shown on 12/28/05, a recommendation that will be sent to Plaintiffs parole officer from said S.O.M.P. Program. This is a recommendation that will greatly effect how the Plaintiff completes his probationary period. The Plaintiff would argue that because his sex crime is a state crime and not his current offence, these recommendations are moot. Plaintiff would also argue that these recommendations are " arbitrary, capricious, an abuse of discretion, or not in accordance with law." In Simmons v. Nash, 361 F.Supp.2d 452 (D.N.J.2005) the court has held that "other offences" which could be designated by the Attorney General under 4042 (c)(4)(E) (or by the Attorney General's designee) did not include prior state offences.

The Plaintiff was found guilty in State Court in 1981, almost 25 years ago. The plaintiff would suggest that because he refused to participate in S.O.M.P. and because he has filed a court case, this administration has retaliated against him. The Administration has refused to give the Plaintiff a copy of said recommendations, but has given him an address where he can request them upon release.

The Plaintiff would ask the Court to request this document from the S.O.M.P. Program and to take what ever steps necessary to ensure that the Plaintiff is not retaliated against further. I would also ask that the BOP not be allowed to release these recommendations until Charles Fox v. Harley Lappin has been decided.

Respectfully submitted,

Charles Fox



CERTIFICATION

I hereby certify that a copy of the foregoing has been mailed postage prepaid first class to: Michael Sullivan, Esq. U.S. Attorney for the District of Massachusetts, U.S. Moakley Courthouse, 1 Courthouse Way, Boston, MA 02210; Judith H. Mizner, Federal Defender Office, 408 Atlantic Avenue, 3rd Floor, Boston, MA 02110 by placing in the prison legal mailbox this 29th day of December, 2005.

Charles Fox